

Appl. No. : 09/807,580
Filed : April 13, 2001

REMARKS

In the Office Action mailed May 19, 2005, the Examiner rejected all pending claims, Claims 8-9 and 11-15. In the present Amendment and Response to Office, Applicants have amended Claims 8, 13 and 15. Applicants have also added Claims 16-18. Applicants respectfully request entry of the amendments and new claims and full consideration of the remarks contained herein.

Amendments to the Claims

Applicants have amended the claims to further clarify the subject matter that Applicants regard as the invention. For example, Claim 8 has been amended to recite that the measuring station is “configured to carry out measurements directly on said wafers”; Claim 13 has been amended to recite “performing a measurement directly on said wafers in the measuring station”; and Claim 15 has been amended to recite “performing a direct measurement of said wafers in a measuring station.” Support for this language can be found in the Application as originally filed. *See, e.g.*, the Application, pp. 2-6.

In addition, Claim 8 has been amended to recite “to independently position each received cassette against a related closable opening in said partition, wherein through opening of said closable opening said closable cassette is opened when placed against the opening and placed in communication with said chamber so that said wafer handling device can sort wafers by moving the wafers into and out from one cassette and into an other cassette after opening each of said at least two cassettes.” (emphasis added). Support for the amended language can be found in the Application as originally filed. *See, e.g.*, the Application, pp. 5-6, as originally filed.

Accordingly, Applicants respectfully submit that the amendments add no new matter and are fully supported by the application as originally filed.

Newly Added Claims

Applicants respectfully submit that new Claims 16-18 add no new matter and are fully supported by the Application as originally filed. *See, e.g.*, the Application, pp. 5-6, and Figures 2-3, as originally filed.

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Rejections Under 35 U.S.C. § 103

The Examiner has rejected Claims 8-9 and 13-15 under 35 U.S.C. § 103 as being unpatentable over Muka (U.S. Patent No. 6,079,927) in view of Toda *et al.* (U.S. Patent No. 6,343,239). The Examiner has also rejected Claim 11 in view of Muka and Toda *et al.* and further in view of Rush *et al.* (U.S. Pat. No. 5,193,969) and Claim 12 in view of Muka and Toda *et al.* and further in view of Garric *et al.* (U.S. Pat. No. 5,388,945). Muka is asserted for teaching the general features of the claims and Toda *et al.* is asserted for teaching the measuring station recited in the claims.

Applicants respectfully submit that the claims, as amended, distinguish the art of record.

Applicants note that independent Claims 8 and 13 have been amended to recite that the measuring station is “configured to carry out measurements ***directly*** on said wafers” and Claim 15 has been amended to recite “performing a ***direct*** measurement of said wafers.” (emphasis added). In contrast, Toda *et al.* teaches measuring air borne impurities in the ***atmosphere*** of a chamber. Toda *et al.*, Col. 6, lines 44-46. In addition, detectors K1, K2 and K3 are used to measure the level of impurities in the ***exhaust lines*** coming out of various chambers in the process apparatus. Col. 5, lines 48-64. Nowhere does Toda *et al.* teach carrying out “measurements directly on the wafers,” as recited by Claims 8 and 13 or “performing a direct measurement,” as recited by Claim 15. Applicants submit that the other art of record does not satisfy this deficiency. As such, Applicants respectfully submit that Muka and Toda *et al.* does not teach the measuring station or type of measurement recited in Claims 8, 11 and 15. Consequently, Applicants submit that Claims 8, 11 and 15 are not obvious in view of the art of record.

Note that Applicants do not assert that direct measurement is itself novel; rather, Applicants assert that such measurement, in the combinations claimed, reinforces the novelty and the non-obviousness of the claimed combinations. Applicants draw attention to the Board of Patent Appeals and Interferences’s finding that the previously asserted motivation to combine “finds no factual bases in the prior art.” See the Decision on Appeal, p. 7. The Examiner’s currently asserted motivation with respect to real-time measurement is inapplicable to the claims as currently amended.

Applicants also note for the record that the Board’s “new perspective on the teachings of Muka” relates only to Claim 8’s “adapted to” language (deleted herewith), and has no application

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to the method claims. *See* the Decision on Appeal, p. 8. Among other things, Applicants note that the method claims positively recite conducting a sorting function. Applicants submit that, even if the combination of Muka and Toda *et al.* is permissible, this combination does not teach *sorting* wafers by transferring the wafers between cassettes, as recited in Claims 13 and 15.

In addition, because Claims 9, 11-12 and 14 depend from Claims 8 or 13, Applicants submit that the rejections of Claims 9, 11-12 and 14 for obviousness are moot in view of the amendments and discussion above. Moreover, Applicants submit that these claims are also non-obvious in view of the art of record.

Accordingly, Applicants submit that the pending claims are allowable over the art of record. Applicants have not addressed the further rejections of dependent claims as being moot in view of the amendments and remarks herein. However, Applicants expressly do not acquiesce in the Examiner's findings not addressed herein. Indeed, Applicants submit that the dependent claims recite further novel and non-obvious features of particular utility.

CONCLUSIONS

In view of the foregoing remarks, Applicants respectfully submit that the application is in condition for allowance and request the same. If some issue remains that the Examiner feels may be addressed by Examiner's amendment, the Examiner is invited to call the undersigned for authorization.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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